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May 14, 1956

MEMORANDUM FOR MR. TOLSON
MR. BOARDMAN
MR. BELMONT
MR. NICHOLS
MR. ROSEN

In conference with the Attorney General on Thursday, May 10, I called to his attention the running controversy which has been going on between the Criminal Division and the FBI as to the De Galindez case and, in general, as to the over-all responsibilities in deciding whether the Bureau should enter certain cases alleged to be kidnapings, but in which substantive facts to that extent have not been proven.

I read to the Attorney General excerpts from Mr. WARREN Olney's memorandum to the Bureau of February 8, 1956, particularly the closing paragraph of that memorandum. I also read to the Attorney General certain excerpts from Mr. Olney's memorandum of May 3, 1956, which specifically stated that the De Galindez abduction was a plain violation of the federal kidnaping statute.

I told the Attorney General that I was becoming extremely weary of carrying on such a running memorandum controversy and that insofar as the Bureau is concerned, I was desirous of the Bureau being completely relieved of its responsibility in determining whether it should or should not enter a case alleged to be a kidnaping and that I would much prefer to submit each case to the Criminal Division and allow that Division to make the decision as to whether or not the FBI had jurisdiction. [redacted]

I told the Attorney General that I did not intend to have a record made up embarrassing to him, in general, and more specifically embarrassing to the Bureau, in particular, by the rather bumptious and capricious memorandums which we have received from Assistant Attorney General Olney.

The Attorney General stated that Deputy Attorney General Rogers had talked to him about this matter and that he, the Attorney

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General, regretted that Mr. Cleary had written the memorandums which he had, as he considered them to be entirely unwarranted. The Attorney General stated that he was entirely satisfied with the procedure which the Bureau had followed and was following in this particular type of case and that he wanted the Bureau to follow this same procedure in all future cases.

I told the Attorney General that it would be necessary for a memorandum to that effect to be addressed to the Bureau in order that the record might be set clear. I stated that my concern was that the memorandums from Mr. Cleary had been made a matter of official record and that even his memorandum of February 6, which the Deputy Attorney General had asked to be withdrawn from the record, had been referred to by Mr. Cleary in his memorandum of May 2. I told the Attorney General that I had been prepared to answer Mr. Cleary's memorandum of February 6, which contained gross inaccuracies, misstatements of fact and utterly irrelevant material, but that at the request of Deputy Attorney General Rogers I had refrained from doing so, upon the assurance that Mr. Cleary's memorandum was being withdrawn. I told him that this now left the Bureau in the position of not having answered Mr. Cleary's unwarranted and uncalled for memorandum of February 6, and that I did not intend in the future to allow any memorandums from Mr. Cleary to remain unanswered, but I intended to reply to them forthrightly and specifically so that the Bureau's side of the controversy might be clearly and firmly established.

The Attorney General stated that he would forward a memorandum to the Bureau directing that the past policies in handling kidnaping cases be continued and that the decision relative to jurisdiction be exercised by the FBI.

This development makes all the more necessary a very careful and meticulous evaluation of all cases brought to the Bureau's attention in this field because notwithstanding the Attorney General's position and attitude, it is reasonable to recognize the fact that Assistant Attorney General Cleary will still carry on his guerilla warfare and try to embarrass the Bureau, if he can.

Very truly yours,

John Edgar Hoover
Director